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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/087,608	10/21/2001	Francisco M. Galanes	M61.12-0394	7929

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EXAMINER	
HAN, QI	

ART UNIT	PAPER NUMBER
2626	

DATE MAILED: 06/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/087,608	GALANES ET AL.	
	Examiner	Art Unit	
	Qi Han	2626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *10 April 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-9,11-23 and 25-33* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-9,11-23 and 25-33* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *04/10/2006*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Information Disclosure Statement

2. The references listed in the Information Disclosure Statement submitted on 04/10/2006 have been considered by the examiner (see attached PTO-1449).

Response to Amendment

3. This communication is responsive to the applicant's amendment dated 04/10/2006. The Applicant(s) amended claims 1, 11-12, 15, 25-26 and 29, and cancelled claims 10 and 24 (see the amendment: pages 2-7).

The examiner withdraws the claim rejection under 35 USC 112 2nd, because the applicant amended or cancelled the claims.

Response to Arguments

4. Applicant's arguments filed on 04/10/2006 with respect to the claim rejection under 35 USC 102 and/or 103, have been fully considered but are moot in view of the new ground(s) of rejection, since the amended claims introduce new issue and/or change the scope of the claims. It is also noted that even though applicant amended all independent claims, the previous recited references is still applicable to the claim rejection (see detail below).

In response to applicant's arguments with respect to claim 1 (also related to claims 15 and 29) that "nowhere in this passage (referring to Albayrak: col. 3, lines 51-64) does this reference teach or suggest use of controls as recited in the independent claims that are used to define a dialog", "both Albayrak et al. and White at al. do not teach or suggest the inventions recited in the independent claims" (the amendment: page 8, paragraph 4 to page 12, paragraph 2), the examiner respectfully disagrees with applicant and has a different view of prior art teachings and the claim interpretations. By reviewing the claimed limitations, applicant's explanation and the recited prior art, examiner believes that the argued limitations "set of controls" and "dynamically generate client site markup" are properly rejected based on the disclosure of the recited prior art (see Albayrak: Figs. 2-3), the response to the related arguments and the rejection for the amended claims are directed to the corresponding claim rejection in this office action (see detail below).

It is also noted that the claimed "controls for defining dialog" is broad terms, the rejection based on Albayrak's disclosure is properly addressed, as stated in the corresponding claim rejection in the office action. Further, based on the broad sense of the claim interpretation, one skilled in the art can recognize that both graphic browser and voice browser necessarily or inherently include a variety of controls, such as staring, interrupting, switching and ending interactive sessions (dialog), accessing address, receiving pages, downloading content or program, even chatting and conferencing, which was well known in the art. In addition, Albayrak teaches that 'a voice browser is similar to a graphical browser in that it is a program that processes hypertext and present the hyper text content in a specified format' (col. 4, lines 16-

19), and suggests using both graphical browser and voice browser in client computer (col. 12, lines 8-10), which means that graphical controls (which were well known, such as window-based menus, soft buttons, icons) for defining dialog are also read on the claim.

Regarding the argued limitation "controls having attribute to indicate ...for activation" (the amendment: page 10, paragraph 3 to page 11, paragraph 2), it is noted that White discloses endpointer classes having an attribute for setting activate or deactivate and associating with dialog event (col. 20, lines 25-67), which is properly read on the argued limitation. Also, since these classes are parts of controlling dialog process (event), the White's disclosure is also broadly read on the claimed "as a function of which controls are activate". Further, It is noted that it is well known in the art to use attributes (parameter, or variable) indicating a status (such as activate or deactivate) for classes (events or objects), such as used for window-based menus, buttons as stated above. Therefore, the other classes related to controlling dialog, disclosed by White, such as Barge-in parameter class that has BargeInAllowed attribute (Fig. 10C), may also read on the claimed and argued limitation, based on broadest reasonable interpretation of the claim.

For above reason, the applicant's arguments are not persuasive (also see the rejection based on the new amended claims below).

Claim Rejections - 35 USC § 103

5. Claims 1, 15 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over ALBAYRAK et al. (US 6,662,163 B1) hereinafter referenced as ALBAYRAK, in view of WHITE et al. (US 6,460,017 B1) hereinafter referenced as WHITE.

As per **claim 1**, ALBAYRAK discloses system and method for programming portable devices from a remote computer system (title), in client/server environment (Fig. 1), comprising:

"a set of controls for defining a dialog and used to dynamically generate client side markup in accordance with the dialog", (col. 3, lines 51-55, 'dynamically program portable client computer', 'manage voice dialogs for the purpose of interacting with and guiding users in various work tasks (necessarily including the corresponding various controls)'; col. 4, lines 24-28, 'voice browse read a VoiceXML (markup) page...and acts upon the information and instructions (also corresponding to a set of controls)),

"the controls comprising at least a question control for generating markup related to audible prompting of a question, and an answer control for generating markup related to a grammar for recognition", (col. 4, lines 22-67, 'VoiceXML ...to create audio dialogs', 'voice browse read a VoiceXML (markup) page...and acts upon the information and instructions (controls)', 'user's voice files and application-specific grammar files (both need for speech recognition) are loaded on the client', 'play an audio prompt (interpreted as question control)' and 'wait for user to confirm (interpreted as answer control) that he completed the requested action'; Fig. 2 and col.6, lines 25-31, 'affirmative or negative response including "yes", "no" (corresponding to answer control)', which further suggests that the system provides a "question" related control before this response and the "answer" control for handling this response);

"a module, when executed on the client and using the client side markup, creates a dialog [as a function of which controls are activated]", (col. 3, line 6-64, 'the voice browser (module) interprets voice pages received from the server...then performs (execute) an action based on the

text response', 'dynamically program portable client computers, and to manage voice dialogs for the purpose of interacting with and guiding users in various work tasks'; col. 4, lines 24-2, 'the voices browser reads a VoiceXML (markup) page', and 'VoiceXML was designed ... to create (generate) audio dialogs that feature digitized audio and speech recognition').

But, ALBAYRAK does not expressly disclose "each of the controls having an attribute to indicate whether the associated control is available for activation" and the dialog "as a function of which controls are activated". However, the feature is well known in the art as evidenced by WHITE who, in the same field of endeavor, discloses distributed voice web architecture and associated components and methods (title), and teaches that 'an attribute of a component is information the component has' (col. 9, lines 20-21), and provides 'endpointer' with attribute (or parameter): 'active: boolean' for reporting (indicating) the outcome of user's utterance activation according to the related dialog steps or events (including controls) (col. 20, lines 14-64), which is broadly interpreted as the claimed a dialog as "function of which controls are activated". Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify ALBAYRAK by specifically providing attribute reporting the outcome of activation for dialog steps or events, as taught by WHITE, for the purpose of generating the prompt in response to the recognized speech and/or transmitting the prompt to the remote device (WHITE: col. 1, lines 50-53).

In addition, in another view, ALBAYRAK discloses the dialog between 'client' and 'server' and 'voice browser interpret: page play audio prompts and wait for user's verbal response(s)' (Figs. 5A-5B), and teaches that 'voice browser...follows its instructions (corresponding to controls) to carry on the application-specific dialog with user (334)' (col. 11,

lines 31-32), which suggests the system necessarily includes activation information (attribute) indicating current running tasks (controls) and operative function in response to an interactive action (activating the function, such as playing prompts or waiting an response), in order to keep normal operation for the dialog interactions. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify ALBAYRAK by specifically providing activation information (attribute) indicating current running tasks (activated controls) and operative function in response to an interactive action in the dialog, for the purpose of performing an action based on text response converted by voice browser (ALBAYRAK: col. 3, lines 11-13).

As per **claim 15**, the rejection is based on the same reason described for claim 1, because the claim recites the same or similar limitation(s) as claim 1.

As per **claim 29**, the rejection is based on the same reason described for claim 1, because the claim recites the same or similar limitation(s) as claim 1.

6. Claims 2-5, 7-9, 11, 14, 16-19, 21-23, 25, 28 and 30-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over ALBAYRAK in view of WHITE as applied to claim 1, and further in view of ALPDEMIR (US 2002/0035474 A1).

As per **claim 2** (depending on claim 1), ALBAYRAK in view of WHITE does not expressly disclose "the question control activates the answer control". However, the feature is well known in the art as evidenced by ALPDEMIR who, in the same field of endeavor, discloses voice-interactive marketplace providing time and money saving benefits and real-time promotion publishing and feedback (title), comprising 'natural language recognition' that 'listens users'

request in free form speech or extracts the command and/or data, ...asks additional questions of the users'(paragraph 220) and the interactions in the dialog including question/answer sequences (paragraphs 253-268), which suggests the system has capability of implementing the claimed "question control activates the answer control". Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify ALBAYRAK in view of WHITE by specifically providing question/answer interactions in the dialog, as taught by ALPDEMIR, for the purpose of providing greater interactive capability and/or communicating the speech-based representation of the particular data item to the external device (ALPDEMIR: col. 3, lines 1-2 and abstract).

As per **claim 3** (depending on claim 2), ALBAYRAK in view of WHITE and ALPDEMIR further discloses "a command control for generating markup related to a grammar for one of navigation in the markup, help with a task, and repeating an audible prompt", (ALBAYRAK: col. 11, lines 31-32, 'voice browser...follows it instructions (command control) to carry on the application-specific dialog with user (334)'; col. 4, lines 23-24, 'voice XML(markup)...to create (generate) audio dialogs that feature digitized audio and speech recognition'; col. 4, lines 23-24, 'repeating the telling (audio prompt-telling)'; ALPDEMIR: paragraphs 132 and 140, ' "help" there should desirably be some automated help (task)' and 'standard data and information formats and protocols, such as HTML, XML, and XVML (markup)').

As per **claim 4** (depending on claim 4), ALBAYRAK in view of WHITE and ALPDEMIR further discloses "a confirmation control for generating markup related to confirming that a recognized result is correct", (ALBAYRAK: col. 4, lines 63-66).

As per **claim 5** (depending on claim 4), ALBAYRAK in view of WHITE and ALPDEMIR further discloses "the confirmation control is activated as a function of a confidence level or a received result", (ALPDEMIR: paragraph 176, function of 'confirm information {confirm()}').

As per **claim 7** (depending on claim 5), ALBAYRAK in view of WHITE and ALPDEMIR further discloses "the confirmation control activates an accept control to accept the recognized result", (ALPDEMIR: paragraph 191, sub-grammar "yes").

As per **claim 8** (depending on claim 5), ALBAYRAK in view of WHITE and ALPDEMIR further discloses "the confirmation control activates a deny control to deny the recognized result", (ALPDEMIR: paragraph 191, sub-grammar "no").

As per **claim 9** (depending on claim 5), the rejection is based on the same reason described for claim 4, because the claim recites the same or similar limitation(s) as claim 4.

As per **claim 11** (depending on claim 2), ALBAYRAK in view of WHITE and ALPDEMIR further discloses "the answer control includes a mechanism to associate a received result with one control of the set of controls", (ALPDEMIR: paragraph 191, sub-grammar "yes" or "no").

As per **claim 14** (depending on claim 1), ALBAYRAK in view of WHITE further discloses "a second set of controls for generating markup related to visual rendering on a client", (ALBAYRAK: col. 2, lines 19-20 and 46 and 45-46 'displaying ...information from XML files' and 'voice browser that interprets VoiceXML programs similar to the way computer users use a graphical browser (including second set of controls) that interprets HTML program'), but ALBAYRAK in view of WHITE does not expressly disclose "wherein each control of the first-

mentioned set of controls is associated with at least one of the controls of the second set of controls". However, the feature is well known in the art as evidenced by ALPDEMIR who further discloses that 'a message is played/displayed when a caller request businesses...the right to be announced/displayed'(paragraph 85), 'the text information from the data is converted to speech... and played backed to the caller using the caller's devices 106' and 'the information database 134...can also be accessed with a display device' including wireless phones, PDA or palmtop ...with the ability to display standard HTML', and suggest using 'standard data and information formats and protocols, such as HTML, XML, VXML' (paragraphs 138-139), which suggests the system has capability of associating voice related action with text related action by using VXML, HTML or XML for playing and displaying. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify ALBAYRAK in view of WHITE by specifically providing functionality of playing voice and displaying text (or graphics) by using VXML, HTML or XML, for the purpose of providing greater interactive capability and/or communicating the speech-based representation of the particular data item to the external device (ALPDEMIR: col. 3, lines 1-2 and abstract).

As per **claims 16-19, 21-23, 25 and 28** (depending on claim 15), the rejection is based on the same reason described for claims 2-5, 7-9, 11 and 14 respectively, because the claims recite the same or similar limitation(s) as claims 2-5, 7-9, 11 and 14 respectively.

As per **claims 30-33** (depending on claim 29), the rejection is based on the same reason described for claims 2-5 respectively, because the claims recite the same or similar limitation(s) as claims 2-5 respectively.

7. Claims 6, 12-13, 20 and 27-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over ALBAYRAK in view of WHITE and ALPDEMIR, as applied to claims 5, 11, 19, 25, and further in view of CHINN et al. (US 2002/0010715 A1) hereinafter referenced as CHINN.

As per **claim 6** (depending on claim 1), even though ALBAYRAK in view of WHITE and ALPDEMIR discloses finding match of an answer (ALPDEMIR: paragraph 228) and using 'check score' function (ALPDEMIR: paragraph 176), ALBAYRAK in view of WHITE and ALPDEMIR does not expressly disclose "the answer control includes an attribute related to a confidence level". However, the feature is well known in the art as evidenced by CHINN who, in the same field of endeavor, discloses system and method of browsing using a limited display device (title), providing accessing web content by using voice commands and markup language (paragraph 6), and teaches that 'the confidence score is a value used by the system that represents the level of certainty in recognition' and "the system may reject a request if the confidence score is below a specific threshold, or may attempt to determine with more certainty (i.e., disambiguate) a request with a confidence score that falls within a specific range' (paragraphs 186 and 222-224). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify ALBAYRAK in view of WHITE and ALPDEMIR by specifically providing information (attribute) for finding a match by using confidence score, as taught by CHINN, for the purpose of representing the level of certainty in recognition (CHINN: paragraph 186).

As per **claim 12** (depending on claim 11), the rejection is based on the reason described for claim 6, because the rejection for claim 6 covers the same or similar limitations of claim 12.

As per **claim 13** (depending on claim 12), ALBAYRAK in view of WHITE, ALPDEMIR and CHINN further discloses that "the mechanism includes issuing an event related to operation of binding", (WHITE: col. 10, lines 41-47, 'an event-driven architecture' and teaches that 'events are "fired" (signaled)(read on issued) by the browser, ...or a content application').

As per **claims 20 and 26-27** (depending on claim 15), the rejection is based on the same reason described for claims 6 and 12-13 respectively, because the claims recite the same or similar limitation(s) as claims 6 and 12-13 respectively.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Qi Han whose telephone numbers is (571) 272-7604. The examiner can normally be reached on Monday through Thursday from 9:00 a.m. to 7:00 p.m. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richemond Dorvil, can be reached on (571) 272-7602.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Inquiries regarding the status of submissions relating to an application or questions on the Private PAIR system should be directed to the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or 703-305-3028 between the hours of 6 a.m. and midnight Monday through Friday EST, or by e-mail at: ebc@uspto.gov. For general information about the PAIR system, see http://pair-direct.uspto.gov.

QH/qh
June 23, 2006

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SUPERVISORY PATENT EXAMINER